



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

OCT 30 2009

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Article number: 7005 3110 0000 5926 4324

Mr. Mark L. Kamholz  
Manager, Environmental Control  
Tonawanda Coke Corporation  
3875 River Road  
Tonawanda, NY 14151

**Re: RCRA § 3007 Information Request  
Tonawanda Coke Corporation, EPA ID No. NYD088413877**

Dear Mr. Kamholz:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Part 6901 et seq.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. Part 6927, we hereby require Tonawanda Coke Corporation to provide the information requested in Enclosure I to this letter, using the instructions and definitions in Enclosure II, and to complete the Certification of Answers to Responses to Request for Information in Enclosure III. This information is required to evaluate the management of hazardous waste by Tonawanda Coke Corporation.

Please provide the information requested in Enclosure I no later than thirty (30) calendar days from receipt of this letter. The response should be signed by an officer or agent who is authorized to respond on behalf of Tonawanda Coke Corporation.

Any requests for additional time to respond to this Request for Information should include a justification and must be made in writing within five business days of receipt of this letter.

Your response to this Request for Information must be mailed to the following addressee:

Mr. Leonard Grossman  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 21<sup>st</sup> Floor  
New York, NY 10007-1866

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (hereinafter 40 "C.F.R.") Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 3501 et seq.

If you have any questions about this letter, please call Mr. Leonard Grossman, of my staff, at (212) 637-4039.

Sincerely yours,



George C. Meyer, P.E., Chief  
RCRA Compliance Branch

Enclosures

bcc: P. Flax, DECA/RCB  
L. Grossman, DECA/RCB  
G. Meyer, DECA/RCB  
W. Sawyer, ORC/WTSP  
RCRA File ✓

## Enclosure I

### Request for Information

*(Using the Instructions and Definitions in Enclosure II)*

1. In EPA compliance evaluation inspections at the business operated by Tonawanda Coke Corporation at or in the vicinity of 3875 River Road, Tonawanda, NY (the "Facility") on or about June 17, 2009, and September 10, 2009, EPA was informed that: *in addition to being sporadically mixed with coal on a concrete lined and walled pad prior to transport by heavy equipment front loader to the coke ovens for use as feedstock, the facility's tar decanter sludge, comprising tar contaminated with coal fines (i.e., small granular coal fragments), is routinely brought directly to coal piles situated on the ground and mixed there with coal prior to being brought to the coke ovens. Currently, half of a front loader bucket (representing approximately 1,000 pounds of tar sludge) is mixed with coal on the ground every three days by being "rolled into" the coal using the front loader, the maximum amount of tar sludge in the mixture thus being approximately 5% by volume.*

- a) Please confirm the accuracy of the above information, or provide corrected or supplemental information as necessary to describe actual practices and conditions at the Facility. Include documentation in support of any such correction or supplement.
- b) Please describe the pad in detail, including its age, construction, materials, dimensions, etc. Include a map or Facility diagram identifying the location of the pad.

2. In EPA compliance evaluation inspections at the Facility on or about June 17, 2009, and September 10, 2009, EPA was informed that: *tar sludge, comprising tar contaminated with coal fines (i.e., small granular coal fragments), is present in the remains of two adjacent abandoned tanks, referred to as "Barrett Tanks," that had burned during a failed decommissioning attempt in 2007, in which the tar sludge was inadvertently ignited by cutting torches. This tar sludge has been periodically removed from the tank remains for use as feedstock in the coking operation. (The tanks, which are of riveted steel construction and long predated the Tonawanda Coke Corporation's use of the site, were originally used for tar storage, but were subsequently emptied of tar, leaving several feet of tar sludge residue in each tank.) Two other adjacent Barrett Tanks remain intact, and are empty or contain limited amounts of material unknown.*

- a) Please confirm the accuracy the above information, or provide corrected or supplemental information as necessary to describe actual practices and conditions at the Facility. Include documentation in support of any such correction or supplement.
- b) Please describe the two burned Barrett Tanks in detail, including:
  - i) age,
  - ii) dimensions (both before and after the failed decommissioning attempt),
  - iii) depth below grade,
  - iv) base material and construction,
  - v) ancillary equipment (including any secondary containment),

- vi) current structural integrity,
- vii) date of discontinuation of use, and
- viii) approximate volume of tar sludge present as of the September 10, 2009, EPA inspection and the volume of any tar sludge subsequently removed.
- c) Please describe the two intact Barrett Tanks in detail, including:
  - i) age;
  - ii) dimensions;
  - iii) depth below grade;
  - iv) tank material and construction;
  - v) base material and construction;
  - vi) ancillary equipment (including any secondary containment);
  - vii) former use (i.e., materials stored); and
  - viii) planned future use.
- d) Please provide a map or Facility diagram identifying the location of each of the four Barrett Tanks.

3. Please provide the full legal name, address, and legal status (e.g., corporation, not-for-profit corporation, individual owner, partnership, etc.) of the current and past owner and/or owners, since 1970, of the Facility. Also, provide:

- a) The names and official titles of each of the officers (or the proprietors, if not a corporation) of all current and past owners; and
- b) The dates all current and past owners began ownership of the Facility.

4. Please provide the full legal name, address, and legal status (e.g., corporation, not-for-profit corporation, individual owner, partnership, etc.) of the current and past owner and/or owners of the real property (real estate), since 1970, on which the Facility is and has been sited. Also, provide:

- a) The names and official titles of each of the officers (or the proprietors, if not a corporation) of all current and past real property owners;
- b) The dates all current and past owners began ownership of the property;
- c) The date and state of incorporation, if applicable, of all current and past owners of the property; and
- d) Describe the relationship between all current and past owners of the real property and all current and past owners of the Facility.

## **Enclosure II**

### **Instructions and Definitions**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of Tonawanda Coke Corporation. The signatory must complete and return the Certification of Answers to Responses to Request for Information, Enclosure III.
2. In preparing your response to each question, consult with all present and former employees and agents of Tonawanda Coke Corporation, and/or its consultants, agents, or assigns, as necessary, whom you have reason to believe may be familiar with the matter to which the question pertains.
3. If exact numbers are not available to answer any questions, please provide your best estimate and indicate that the number provided is an estimate.
4. For each document produced in response to this Request for Information, indicate on the document the number of the question to which it applies.
5. If anything is deleted from a document produced in response to this Request for Information, state the reason for the deletion and describe the subject matter of the deletion.
6. If you are unable to provide any of the documents requested, specify the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide documentation in response to any question, state that person's name and last known address and phone number and the reason for your belief.

**Enclosure III**

**Certification of Answers  
To Responses to Request For Information**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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Name and Title (print or type)

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Signature